

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08md1932

IN RE FAMILY DOLLAR FLSA)
LITIGATION)
)
_____)
)
Concerning Itterly v. Family Dollar)
)
)
_____)

THIS MATTER is before the Court on the letters filed on December 13, 2011; January 5, 2012 and January 17, 2012 (Doc. Nos. 732, 749 and 759). The discovery issue, as outlined in the letters, is whether Plaintiff, Albert Itterly, is entitled to class-wide discovery for all Pennsylvania store managers prior to a determination of whether Plaintiff has a viable individual state law claim.¹

The Court is aware that on November 2, 2011, the Judicial Panel on Multidistrict Litigation (“JPML”) entered a Conditional Remand Order conditionally remanding this case to the Eastern District of Pennsylvania and that Defendant filed a motion to vacate the Conditional Remand Order. The motion is fully briefed and the Panel will decide the issue without oral argument.

Given that the JPML is likely to rule on Defendant’s motion to vacate in approximately the next four to six weeks, this Court will defer the issue until such time as the JPML has ruled on Defendant’s motion to vacate. To the extent that this Court retains jurisdiction of this matter after the JPML has ruled on Defendant’s motion, the parties shall contact chambers to schedule a hearing on this issue.

¹ The cases now consists entirely of a class action claim arising under Pennsylvania state law.

SO ORDERED.

Signed: January 18, 2012

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

